



IN THE UNITED STATES PATENT OFFICE

RECEIVED

JAN 23 2004

PATENT APPLICATION

Ammicht-Davis-Shively

CASE 5-3-15

TITLE Improved Coefficient Computation in Image Compression Using Set Partitioning in Hierarchical Trees

APPLICATION NO. 09/872,810

THE COMMISSIONER FOR PATENTS

P. O. BOX 1430

ALEXANDRIA VA, 22310-1450

SIR:

Re: Response to NOTICE OF ABANDONMENT; and PETITION TO REVIVE

Applicants' attorney has received a NOTICE OF ABANDONMENT in the captioned case (copy attached) informing applicants that the application has been abandoned by applicants' allegedly not filing a timely or proper reply to a Notice to File Missing Parts dated July 31, 2001; and specifically that "No reply was received" to that Notice.

Applicants take vigorous issue with the statement that "(N)o reply was received". Applicants filed a reply that included an oath and declaration for each inventor. In the same correspondence Applicants filed assignments. Applicants also have made good-faith efforts to file formal drawings as required by the Notice of July 31, 2001.

Uncharacteristically, the USPO in this application has not written any Office Action on the merits. The only communication whatsoever received in this case by applicants since the July 31, 2001 Notice, has been the Notice of Abandonment dated November 24, 2003.

Given the lack of communication from the USPO, applicants made timely inquiry. Following passage of over two years without any contacts from the USPO, Applicants became concerned that the case had been lost or mislaid or that correspondence on the merits mailed by the USPO was not received by applicants. Applicants' attorney therefore wrote a Status Request letter dated July 28, 2003. No reply to this status request letter was ever received.

In view of the above, applicants respectfully request the USPO to withdraw the holding of abandonment. Applicants submit that the USPO ought to not force applicants to seek revival by petition, with attendant substantial fees, in a case where applicants have fulfilled not only essentially all of the requirements for filing, but also have made timely and good faith efforts to alert the USPO to possible loss or mislaying of the case within the USPO.

Applicants further request that the USPO respond to applicants' July 28, 2003 letter with specifics of the prosecution status and an explanation of why (if it be the case) no action on the merits has been taken.

If a petition to revive is applicants' only option, applicants under vigorous protest herewith attach in the alternative, two Petitions to Revive seeking:

- Revival on grounds of Unavoidable Delay; or
- Revival on grounds of Unintentional Delay.

The above-noted documents and others are appended as Exhibits to the accompanying Petition(s).

Accompanying this letter is a set of formal drawings.

Please bill the following business credit card for any fees required to be paid in connection with this filing, to cover a Petition to Revive Abandoned Application under 37 CFR 1.137(a); or a Petition to Revive Abandoned Application under 37 CFR 1.137(b):

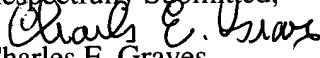
CREDIT CARD TYPE: VISA

CREDIT CARD ACCOUNT #: ~~XXXXXXXXXXXX~~

CREDIT CARD EXPIRATION DATE: 01/05

NAME AS IT APPEARS ON CREDIT CARD: CHARLES E. GRAVES, CHARLES E. GRAVES ASSOCIATES. P. C.

Respectfully Submitted,


Charles E. Graves
Attorneys for Applicants
Reg. No. 22963

January 13, 2004

Att.: formal drawings and Notice to File Missing Parts
Petition to Revive Abandoned Application under 37 CFR 1.137(a)
Petition to Revive Abandoned Application under 37 CFR 1.137(b)

Please address all correspondence to:

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